

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IDS PROPERTY AND CASUALTY
INSURANCE COMPANY, an admitted insurer,

Plaintiff,

v.

CHARLES H. FELLOWS,

Defendant.

No. 2:15-CV-2031 TSZ

ORDER ON DEFENDANT'S MOTION
IN LIMINE

Defendant Charles H. Fellows's Motion *in Limine*, docket no. 128, is GRANTED in part, DENIED in part, and DEFERRED in part, as follows:

MOTION 1 is GRANTED in part as to the 2001 drug conviction based on Rule 403 and as to other charges, arrests, or allegations of misbehavior that did not ripen into a conviction.

Except as granted, MOTION 1 is otherwise DENIED.

MOTION 2 is GRANTED in part as to opinion testimony, expert testimony, or other non-disclosed testimony by Eric Michalak relating to Battered Women's Syndrome. Except as granted, MOTION 2 is DEFERRED.

1 MOTION 3 to preclude argument by IDS that Fellows committed “domestic abuse” or
2 “domestic violence” or was “the abuser” is DENIED.

3 MOTION 4 to preclude argument regarding insurance fraud is DENIED as moot.

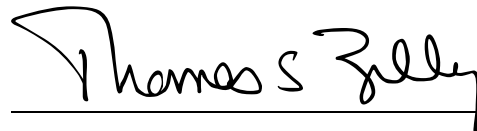
4 MOTION 5 to preclude improper rebuttal evidence is DEFERRED to trial.

5 MOTION 6 to preclude argument that Osborne did not commit domestic violence
6 because she was not arrested, charged, or convicted is DEFERRED.
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8 MOTION 7 to preclude argument that coverage is excluded based on intentional acts by
9 Osborne’s children is DENIED.

10 IT IS SO ORDERED.

11 DATED this 8th day of March, 2017.

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14 Thomas S. Zilly
15 United States District Judge
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18 Presented by:

19 KELLER ROHRBACK L.L.P.
20

21 By: s/ Ian S. Birk
22 William C. Smart, WSBA #8192
23 Ian S. Birk, WSBA # 31431
24 Attorneys for Plaintiffs
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